IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.13907 of 2007
Date of decision: 07.09.2007

Smt. Poonam Devi.

-----Petitioner

Vs.

Presiding Officer, Labour Court-II, Faridabad and another.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. Rohit Ahuja, Advocate
for the petitioner.

Adarsh Kumar Goel, J.

This petition has been filed against award dated 3.1.2007, Annexure P-2, dismissing the claim of the petitioner-workman against termination of her services.

Case of the workman was that she was appointed as Anganwari Worker at a salary of Rs.600/- per month and her services were terminated on 30.6.1997 w.e.f. 10.4.1997, by stating that she had confessed her guilt. The order of termination was illegal.

The management contested the claim by submitting that appointment of the petitioner was under Integrated Child Development Scheme at a fixed honorarium of Rs.600/-. She took away high protein biscuits and sold the same to a shopkeeper, which were recovered

from the shop in presence of the villagers. She admitted her guilt and accordingly, her services were terminated 10.4.1997, the date upto which she worked. The biscuits were meant for distribution among small children, pregnant women and nursing mothers as nutritional aid.

The Labour Court, after considering the evidence which was led, rejected the claim of the workman and held that the workman had actually confessed to her guilt.

We have heard learned counsel for the petitioner.

Learned counsel for the petitioner submitted that without inquiry, the stigmatic order of termination, was not permissible. Reliance has been placed on judgment of Bombay High Court in ***B.M. Ugale v. M/s Ramilla Enterprises and others.*** (1996) I.L.L.J 88 (Bombay) and judgment of Hon'ble Supreme Court in ***Shri Om Prakash Goel v. Himachal Pradesh Tourism Development Corpn.Ltd. Shimla*** 1991(2) SLR 796.

We do not find any merit in the contention raised.

When a matter is referred for adjudication to the Labour Court, even in a case where no inquiry is held, the Labour Court can reject the claim of the workman, if on evidence led before it misconduct of the workman is proved. Confession of the workman has been found to be valid and in these circumstances, view taken by the Labour Court cannot be held to be erroneous.

No interference is called for under Article 226 of the Constitution.

The petition is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

September 07, 2007 **(AJAI LAMBA)**
ashwani **JUDGE**